

SULZER FACES A FIGHT IF PROBES HIT SCOTT

Prison Superintendent Awaits
Report on the Thaw Scandal
Before Shaping His Course.

AUBURN JOB IS UNFILLED

Wavle Not Named, as Reported,
and Benham's Retention May
Be Challenge to Governor—
McDowell Not Dismissed.

(By Telegraph to The Tribune.)
Albany, March 4.—Refusing to discuss the controversy between himself and Governor Sulzer, Colonel Joseph P. Scott, Superintendent of Prisons, is awaiting with much interest the report of the Sulzer investigating commission. If the investigators recommend his dismissal or other charges against him as a result of the Thaw scandal and the alleged attempt to bribe Dr. John W. Russell, superintendent of the Matteawan State Hospital for the Criminal Insane, indications are that Governor Sulzer will face a determined fight by the head of the prison department.

Colonel Scott was at his desk today as usual and serene as ever. So was John J. McDowell, his confidential secretary, who said that Governor Sulzer could "go to hell" and declared that the Governor "did not care" when he said he had preferred charges against Warden George Benham of Auburn Prison to Colonel Scott. The Prison Superintendent has not yet removed McDowell, as the Sulzer probe recommended. He has no intention of doing so immediately, either. McDowell wears a smile these days, but is doing no talking.

A report gained wide circulation this afternoon that Colonel Scott had filed Warden Benham's job, which Governor Sulzer has promised to Charles F. Rattigan, of Auburn, political benchmark of Thomas Mott Osborne. The man who was said to have landed the place, which Sulzer intended as a son to the anti-Tammany Democracy, was John A. Wavle, of that county, and has been an Osborne man. He is a formal candidate for the position and has the backing of the county Democratic organization. He has not the endorsement of Mr. Osborne, who is behind Rattigan, and Rattigan only.

Awaits Reports of Investigators.

Colonel Scott said that he had not appointed Wavle, and that he had no immediate intention of appointing anyone. He was waiting for the report of the Sulzer commission, and wants to get an idea of what the Governor intends to do before he takes any decisive action of that kind. He admitted that Wavle was a candidate and had presented the endorsement of his organization. He said that there was another aspirant for the job, Hugh McLaughlin, of Otis, Seneca County, now assistant clerk at Auburn. McLaughlin got his job through Controller Sulmer, and is a regular organization Democrat. Colonel Scott would not discuss these men further than to say that he considered Wavle well qualified for the place.

Meantime Warden Benham, though he signed some three days ago, is still warden. The prison laws require the warden, who is the only man qualified to perform certain duties, to serve until his successor has qualified. Some of Colonel Scott's friends say that the reason he has not filled Benham's place before is that he wants to give Governor Sulzer an opportunity to substantiate his statement that Benham is not fit for the place, and that Colonel Scott ought to have discharged him long ago.

In other words, they interpret the Prison Superintendent's course as a challenge to the Governor to prove his charges, and declare that Colonel Scott will take steps to prove proof of them from the Governor or a conviction of Benham, which must indicate the head of the prison department of the Governor's accusations of dereliction of duty. They talk of a legislative committee to investigate prison matters as a means for a thorough and unbiased ventilation of the Scott-Sulzer differences.

Colonel Scott has no more intention of appointing Rattigan now than he ever had, although Governor Sulzer several times recently has seemed to seek to show that the Prison Superintendent was com-

ing around to his side of the controversy. Scott sticks to his declaration that he will not appoint as warden of any prison a man active in the politics of the county in which that prison is located. Rattigan wants the Auburn job and no other, so he can continue his political and business activities for Osborne, which center in Auburn.

Announcement is made that the Senate Finance Committee will give a public hearing on March 12 on the charges against Milton E. Gibbs, whom Governor Sulzer appointed a member of the State Hospital Commission. The Tammany Finance Committee has been holding up the Gibbs nomination as a measure of discipline for the Governor, who ventured to appoint Gibbs against the wishes of Thomas W. Finucane, Tammany's ally in Albany County.

BEGINS 4,500-MILE WALK

Lost Roosevelt Bet and Leads
Donkey Across Continent.

(Portland, Me., March 4.—) Leading a twenty-two-year-old donkey and wearing a khaki uniform, B. H. Anderson, of Butler, Penn., left Portland today to settle an election bet on Theodore Roosevelt by walking from this city to Portland, Ore., 4,500 miles.

"I am willing to make the same bet, that if Roosevelt is a candidate in 1916 he will be elected," said Anderson, as he began his long tramp. Anderson was a page in the national House of Representatives in 1901.

BIG DOG UPSETS AUTO

Owner of Car and Engineer at
N. Y. City Reservoir Hurt.

Stephen W. Campbell of Valhalla, while driving his automobile in White Plains ran down a large shepherd dog in North Broadway, and as a result Mr. Campbell is in the White Plains Hospital and Bryant Corder of Pleasantville, resident engineer for the contractors of the New York City reservoir at Kensico, was taken to the Kew-Hugh camp hospital, at Valhalla. Mr. Campbell tried to avoid the dog when the animal disputed the right of way with the car.

Mr. Campbell swung the car sharply to the right. It skidded, hit the dog and turned turtle, with both men under it. They sustained severe contusions and bruises and the automobile was wrecked. The dog received the least injuries.

KOHLER CASE THROWN OUT

Girl Who Accused Doyle Refuses
to Substantiate Charges.

Martha B. Kohler, the seventeen-year-old Brooklyn school girl, whose charges resulted in the arrest two weeks ago of Walter K. Doyle, a Brooklyn real estate broker, repudiated her statements when the case came up in the Flatbush police court yesterday. Magistrate McGuire threw the case out for lack of evidence.

Miss Kohler, attired in a becoming brown suit and black velvet hat, did not seem to be disturbed by the proceedings, and smiled and bowed repeatedly to acquaintances who crowded the little courtroom. Her answers were made in an undertone and it was necessary for the magistrate to insist that she speak louder.

She admitted knowing Doyle, and said she had met him several times. By accident she had been with him in Brooklyn hotels and about a yacht. She reluctantly told the names of others who were in the party on these occasions. There was nothing improper in Doyle's actions at these times, she testified. Sadie Heilmann, the Manhattan school teacher, who was with Miss Kohler on several of the occasions mentioned in the affidavits, corroborated this testimony.

Previous to discharging Doyle, Magistrate McGuire asked Mr. Kohler, father of the girl, who is secretary to the Manhattan Tax Commission, if he wanted to make a complaint against his daughter and have her committed to an institution. Mr. Kohler refused to make a complaint.

26 LOSE TRIP BY A LEG

Protrudes from Berth, Revealing
Stowaway Party on Cedric.

The hope of twenty-six men of seeing sunny Italy once more without the formality of paying fare was blasted yesterday because one was careless enough to stick his leg out from under a berth in the White Star liner Cedric, on which all had stowed away.

Detective Mallon, of the Hne was roused about the cabin just before the Cedric sailed, when he spied the leg protruding from beneath a berth. A yank disclosed another leg, and further hauling revealed the rest of a man, who denounced the detective roughly for treating him so roughly. Stewards came to the detective's assistance, and when the man had been subdued more stowaways were discovered. A careful search of the third cabin disclosed the twenty-six refugees.

The men were hustled to the Charles street station, where they were charged with trespass. Officers of the White Star Line said that it was the largest stowaway list they had ever discovered on one vessel.

LIFE THREATENED, HE SAYS

Toussaint, Sued for Separation,
Accuses Father-in-Law.

Affred E. Toussaint, a New York real estate broker, testified yesterday before Justice Tompkins, in the Supreme Court at White Plains, in the separation suit brought by his wife, Mrs. Elsie C. Toussaint. He declared that his father-in-law, George N. Garolier, had threatened his life with a poker.

He swore on the witness stand that his wife lived beyond his means; that he now owed the doctor, the baker, the fishman, the coal man, the ice man, the grocer and others in Ardrey and Dolos Ferry, amounting to \$10,000.

"Why haven't you paid all these different bills?" Mr. Toussaint was asked by his lawyer. "Because I didn't have the money," the defendant replied.

"Are you afraid of the old man?" asked Judge Tompkins, referring to defendant's charge that his life had been threatened.

"I was. You have never seen him when he was excited," replied Mr. Toussaint.

Mrs. Toussaint says her husband failed to support her property, and she was forced to go to the home of her father.

DEAF 'CURE' CALLED SWINDLE

Dr. George E. Contant, who has an office at Broadway and 111 street, where he conducts a "cure" for deafness, was arrested yesterday on an indictment charging him with using the mails to defraud in the United States District Court and held in \$2,000 bail for trial.

It was said that more than one hundred complaints have been made against Dr. Contant. Another man who has been indicted in connection with the same charge, promised to surrender to-morrow.

COURT ACTION URGED IN STATE CAPITOL "GRAFT"

Hoefler Had Contracts Altered
to Bar All but Favored Firms.
Investigators Are Told.

MONEY NOT REFUNDED

Irregularities Charged by Hen-
nessy and Sussdorf—Job
Estimated at \$40,000
May Cost \$250,000.

(By Telegraph to The Tribune.)
Albany, March 4.—Following the taking of testimony to-day that there had been graft and gross inefficiency in the office of the State Architect, whom Governor Sulzer recently removed, the Sulzer investigators drafted a report to the Governor to-night. They transmitted their testimony to him, and recommended that he turn the case over to the Attorney General for action.

The testimony showed that the changing at will of the specifications for contracts on the repairs to the Capitol and the drawing of specifications so that only certain makers of patented materials could bid were common under the former State Architect, Herman W. Hoefler.

John A. Hennessy, executive auditor, and Charles A. Sussdorf, acting State Architect, were the witnesses. They told the probers that a committee of the American Institute of Architects reported to Governor Sulzer that neither Hoefler nor his deputy, J. P. Powers, who also was forced out, had studied in a school of architecture or a technical institution, and that their experience was limited to the supervision of bathhouses and apartment houses.

Mr. Hennessy, on the stand this afternoon, charged the State Architect's office under Hoefler with waste and irregularities, and said that the architect had changed lump sum contracts without consulting the trustees of public buildings. These allegations also were made by Mr. Hennessy in the report of his investigation into the architect's office.

Before Governor Sulzer went to Washington, he instructed the investigation committee to spread this report on its record, the object being to lay a foundation for court actions to recover a part of the funds alleged to have been wasted.

Mr. Hennessy said further that a foreman of eight masons had received pay for 100 days working in twenty-seven consecutive calendar days, and that unless there was some uniform system adopted the rewriting of the record of work of the Capitol, the estimated cost of which was between \$10,000 and \$20,000, "would run up to over \$250,000."

Acting Architect Sussdorf produced records from the architect's office showing changes made in contracts for the Capitol repairs. In one case, he said, a certain kind of marble was called for, and a company which got the contract was allowed by Hoefler, at its own request, to provide a cheaper material. It was stated that the company would refund to the state the difference between the price of the marble called for and the material supplied. The refunding of the money, it is said, has not yet been made.

PTOMAINES GET REVENGE

Prevent Pure Food Expert from
Lecturing About Them.

(By Telegraph to The Tribune.)
Greenwich, Conn., March 4.—Fate played a prank on Alfred W. McCann, of New York, author of "Starting America," which prevented him from coming here to-day and explaining to a large gathering of wealthy women reasons for the high cost of living and how to avoid food adulterations.

Mrs. Charles Griffin, secretary of the National Housewives' League, read a telegram from New York that Mr. McCann was ill from ptomaine poisoning.

WATCH THAW AND LAWYER

No More Secret Conferences
for Prisoner and Attorney.

Dr. Roy L. Leak, acting superintendent of the Matteawan State Hospital, and Dr. Charles Kennedy, Harry Thaw's new attorney, claimed when Kennedy went to Matteawan for a consultation with his client, Dr. Leak informed Kennedy that Superintendent Scott had issued orders that no one, not even Thaw's attorney, could see the slayer of Stanford White without at least one witness present, and that none but relatives could see him at all. After a vigorous protest, the lawyer talked with Thaw in the presence of Dr. Leak, who also insisted on looking at the papers passed between the two. Dr. Leak said, according to Dr. Kennedy, that the order had been issued after a conference between Superintendent Scott and Attorney General Carmody. Dr. Kennedy said yesterday afternoon he would this morning apply to Justice Gleagier, of the Supreme Court, before whom the new writ of habeas corpus for Thaw will be argued, for an order to permit him to interview his client without molestation or eavesdropping.

Mrs. Evelyn Thaw said yesterday that she had no ill feeling against her husband, but thought that he was a drunkard and possibly carry out his threat to take her life. Mrs. Thaw is now living in an uptown studio building and is busy with her modeling work and writing.

District Attorney Whitman said yesterday he had received a letter from Attorney General Carmody asking for one of Mr. Whitman's assistants to work with William Traverses Jerome in opposition to the Thaw will. Mr. Whitman said he would refer the matter to the District Attorney James O'Malley.

The District Attorney also received from Governor Sulzer a copy of the testimony of Horace A. Hoffman, taken in Albany Friday.

Assistant Attorney General Franklin Kennedy came from Albany and spent the afternoon in conference with Mr. Jerome. The result of the talk was not given out.

WOMAN JUDGE FOR GIRLS

New Court Will Shield Delin-
quents from Publicity.

Chicago, March 4.—A girls' court for the examination of delinquent girls in private hearings was opened here to-day in connection with the Juvenile Court. Miss Mary M. Bantelme, for sixteen years public guardian, was appointed to conduct the hearings. The purpose is to shield girls brought before the court from publicity and enable them to make their statements without embarrassment.

Hundreds of cases of delinquency are reported of immature girls every year. One of the Juvenile Court boys' population and the activity of evil forces protection of girls is the most difficult problem of the Juvenile Court.

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Nauheim

LOST WIFE, ASKS \$50,000

Realty Man Accuses Three in
Tangled Marital Suit.

Frank H. Ray, a director of the American Tobacco Company, his wife, Mrs. Minnie Ray, and Thomas M. Boyd, of Chicago, are defendants in a suit brought by Eugene S. Van Riper, a real estate operator, who asks \$50,000 damages for the alleged alienation of the affections of his former wife, Mrs. Lillian Elsie Boyd Van Riper McKloskey. The realty man and his wife, who were married in Chicago in 1904, lived together one day, when she returned to the home of her mother, who is now Mrs. Ray, from whom Mrs. Ray obtained a divorce before she married Ray. The father of the former Mrs. Van Riper, the latter had her marriage annulled and is now the wife of John McKloskey, a tinner.

Van Riper says in his suit that the action of his wife in having their marriage annulled was encouraged by the defendants, who defrayed the expense of the suit, and that the loss of his wife made him ill, causing him to lose six months from his business and suffer large financial loss. Ray and Boyd asked Justice Davis yesterday for a bill of particulars from the plaintiff, which the court ordered.

Ruth Ray, another daughter of Mr. and Mrs. Boyd, is married to Jacques Buzanoby, the restaurant man, who is suing Ray for a divorce.

Ray says in the suit against him that Van Riper seduced his wife and refused to support her, and that Mrs. Van Riper returned to her mother at the request of the husband.

RECKONING FOR ECKERT

Attorney for Will Contestant
Predicts It in Bitter Attack.

The suit of James Clemondine Eckert against his brother, Thomas T. Eckert, and Richard G. Page, Jr., as executors of the will of his father, General Thomas T. Eckert, which the plaintiff seeks to set aside, will be decided to-day, when the case goes to the jury.

After a long trial the lawyers in the case summed up yesterday. Arthur Palmer, for the contestant, in his address to the jury did not spare the feelings of the defendants. He said they treated a splinter in their own eye. "But there is a day of reckoning coming," Tom Eckert," he added. "Some day you will go where your father is now, and there will be a cross-examination about this case that you won't withstand as well as you did the one here. And I would like to be around to see you squaring."

Mr. Palmer said the bulk of his father's estate, which inherited twelve years of work he could earn only \$25 a month, and if left to his own resources he could not earn enough to feed the cat that has figured in the trial as the pet of General Eckert. In closing the attorney likened the defendants to a highwayman who holds up a man at the point of a revolver and makes him deliver.

MARBLE MAY SUCCEED LANE

Secretary Picked for the Inter-
state Commerce Commission.

(From The Tribune Bureau.)
Washington, March 4.—Candidates galore appeared to-day for the place on the Interstate Commerce Commission which Franklin H. Lane, of California, gave up to become Secretary of the Interior at the Wilson Cabinet. It developed that the choice lay between John H. Marble, at present secretary of the commission; Whitman M. Daniels, a member of the Public Utilities Commission of New Jersey, and Louis D. Brandeis, of Boston.

Those best informed were of the opinion that Mr. Marble would be chosen by President Wilson. He has been secretary of the commission for some time, and those of his friends who are urging his selection point out that his experience would make him a valuable member of the commission, especially with the important work of physical valuation of public utilities ahead.

TREASURY GETS OLEO TAX

Compromises \$1,246,628 Claim
Against Chicago Concerns.

Washington, March 4.—The government's claim of \$1,246,628 against Chicago packers and others for taxes alleged due on colored oleomargarine sold as uncolored was compromised by Secretary MacVeagh to-day for \$501,000. United States District Judge Landis started a grand jury investigation which was later suspended pending the Treasury Department's action and the House Committee on Expenditures in the Treasury Department inquired into the subject.

The compromise was made, it is explained here, because the government had no evidence to sustain the original claim. The sum agreed upon as a compromise, it is added, was all the government could hope to get even through litigation.

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PRINCE TO NAME EUROPA

Sister of Largest Ship in World
To Be Launched April 3.

Officials of the Hamburg-American Line in New York received a cable message from Albert Ballin, managing director of the line in Hamburg, yesterday, saying that the sister ship of the Imperator, the largest ship in the world, would be launched April 3 and would be named Europa. She will be 52 feet long and of 50 feet beam.

Prince Regent Ludwig of Bavaria, will be her sponsor, and on his instructions his son, Prince Rupprecht, will name the ship.

Herr Ballin also said that the first trip of the Imperator was now fixed for May 24 and that previous to that date she would have an eight-day trial trip.

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